

Docket: IME 02 - 021C
S/N: 10/727,201

Remarks

Examiner Kianni is thanked for the thorough Final Office Action and Advisory Action.

Withdrawal Of Claims 58 To 74 From Consideration

Applicant acknowledges the withdrawal of claims 58 to 74 from consideration as being directed to a non-elected invention. Please cancel non-elected claim 58 to 74. Applicant reserves the right to prosecute these claims a divisional patent application at a later date.

In the Claims

Claim 1 has been canceled as its limitations have been incorporated into amended claim 5, making claim 5 an independent claim. The remaining claims have been amended so as to change their dependency from now canceled claim 1 to amended, now independent, claim 5. Claim 5 is believed to meet the 112 requirements as noted by the Examiner vis a vis now canceled claim 1.

As claim 5 was but objected to as being dependent upon a rejected claim(s) and has now incorporated the limitations of claim 1, amended claim 5 is now allowable as are all its dependent claims 2 to 4 and 6 to 16.

It is noted that claims 17 to 57 were canceled in the response to the 10/31/2005 Office Action with the right being reserved to prosecute these claims in a divisional patent application filed at a later date.

As note above, claims 58 to 74 have been canceled with the right being reserved to prosecute these claims in a divisional patent application filed at a later date.

The claims have not been otherwise amended.

Claim Rejections

The Rejection Of Claims 1 And 12 (1 To 16) Under 35 U.S.C. §112, Second Paragraph, as Being Indefinite for Failing to Particularly Point Out and Distinctly Claim the Subject Matter Which Applicant Regards as the Invention

The rejection of claims 1 and 12 (1 to 16) under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention is acknowledged.

The current amendments to claim 5 are believed to meet these rejections to former claim 1.

Applicants do not understand what 35 U.S.C. §112, second paragraph, rejection applies to claim 12 as the Examiner has not stated any such rejection as to claim 12.

The Rejection Of Claims 1 To 4 And 6 to 16 Under 35 U.S.C. §103(a) as Being Unpatentable Over Davids et al. (U.S. Patent Application Publication No. 2003/0161571 A1)

The rejection of claims 1 to 4 and 6 to 16 under 35 U.S.C. §103(a) as being unpatentable over Davids et al. (U.S. Patent Application Publication No. 2003/0161571 A1) (the '571 Davids Pub.) is acknowledged.

The current amendments moot this rejection.

Allowable subject matter

The objection to claim 5 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims is acknowledged. Claim 5 has been so amended and the remaining claims have been amended to depend from amended claim 5 (with claim 1 being canceled).

Therefore claims 2 to 16 are submitted to be allowable over the cited references and reconsideration and allowance are respectfully solicited.

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CONCLUSION

In conclusion, the entry of this Preliminary Amendment in the RCE filed concurrently herewith and reconsideration and withdrawal of all pending rejections are respectively requested. Allowance of all claims is requested. Issuance of the application is requested.

It is requested that the Examiner telephone Stephen G. Stanton, Esq. (#35,690) at (610) 296-5194 or the undersigned attorney/George Saile, Esq. (#19,572) at (845) 452-5863 if the Examiner has any questions or issues that may be resolved to expedite prosecution and place this Application in condition for Allowance.

Respectively submitted,

A handwritten signature in black ink, appearing to be 'SBA', written over a horizontal line.

Stephen B. Ackerman
Reg. No. 37,761